IN THE HIGH COURT OF JUDICATURE OF ANDHRA PRADESH AT HYDERABAD

THE HONOURBALE SRI JUSTICE ELIPE DHARMA RAO

W.P. No. 16852 OF 2005

Dated : 16th August, 2005

Between:

Sri Chenna Kesava Swamay Balahina Vargala
Welfare Society, Satyanarayanapuram, Ongole,
Rep. By its President Sri Y.Nageswara Rao.

Petitioner

AND

The District Collector,
Prakasam District, Ongole and two others.

Respondents

THE HONOURBALE SRI JUSTICE ELIPE DHARMA RAO

W.P. No. 16852 OF 2005

ORAL ORDER:

Assailing the action of the respondents in allotting Ac.14.00 of lands to Rajeev Gruha Kalpa Pathakam Scheme and trying to allot remaining land to others in Sy. No. 362 and 364, Koppou Village, Ongole, Prakasam District, the petitioner society filed this writ petition.

The case of the petitioner society is that in terms of the policy of the Government to provide land to the landless poor, it made a representation dated 11.11.2002 to the first respondents to acquire Ac.37.20 cents of land in Sy. Nos. 362/183 and 364/183 belonging to the Endowments Department and to allot its members, who are 1099 in number and belong to Schedule Caste, Schedule Tribes, Backward Classes and Economically Backward classes. On this representation, the first respondent requested the 3rd respondent to inquire into the mater personally and take steps to send draft notification and declaration proposals, but the third respondent sought clarification inasmuch the land belongs to Sri Chenna Kesava Swamy Temples and the first respondent by his proceedings dated 16.9.2003 directed the 3rd respondent to verify the list of beneficiaries of the petitioner society. The petitioner society has submitted the list of beneficiaries dated 31.10.2003. The petitioner society apprehends that it may not be possible for the first respondent to distribute land to the petitioner society in the absence of draft declaration and notification proposals sent by the third respondent. In this context, some writ petitions also came to be filed before this court for a direction to the third respondent to send proposals to the first respondent. Pending WP No. 23849 of 2003, the Government acquired Ac.37.20 acres in Sy. Nos. 361 and 362 of Koppolu village and is now processing to give away Ac.14.00 of the land to Rajeev Gruhakalpa Scheme and to allot remaining lands to others. The petitioner society filed the above writ petition for allotment of the same land to the petitioner society. It is stated that the action to allot the same land which was acquired for the members of the petitioner society to Rajeev Gruha Kalpa Pathakam Scheme and trying to allots the remaining land to others without providing house sites to the

members of the petitioner Society is unjust and arbitrary. Therefore, the Society filed the present writ petition.

When this matter is listed for admission today, the learned Government Pleader, under written instructions submits that the names of the members of petitioner Society are also included in the list of beneficiaries prepared by the respondents for consideration and allotment of house site pattas. He also submits that they are going to publish the final list of beneficiaries, according to their eligibility.

Having regard to these submissions, in the event the names of the members of the petitioner Society are not considered for allotment of house site pattas, it is open for the petitioners to assail the correctness of such final list. Therefore, at this stage, the writ petition cannot be entertained. Consequently, the writ petition fails and is accordingly dismissed. No order as to costs.

Elipe Dharma Rao, J.

August 16, 2005

MAS